

**Remarks**

Applicants thank examiner Stigell for his courtesy during the April 28, 2006, phone conference between examiner Stigell and the undersigned attorney. The Communication indicates that non-elected claims cannot be amended in response to a restriction requirement. However, as pointed out during the April 28<sup>th</sup> phone discussion, 37 C.F.R. §1.121(c)(2) states that "If a withdrawn claim is currently amended, its status in the claim listing may be identified as 'withdrawn – currently amended'." The MPEP also indicates in various instances that non-elected claims can be amended (see, e.g., pp. 700-217 – 700-219). Examiner Stigell agreed that these citations indicate that non-elected claims can be amended.


Non-elected claim 1 was amended to incorporate the features of elected claim 61 for purposes of rejoinder. If claim 61 is found allowable, non-elected claim 1 (and its dependent claims) should be rejoined into the present application (see MPEP §821.04).

Applicants look forward to receiving an action on the merits.

Respectfully submitted,

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